interpretation of source and destination device profiles and user preferences that are specified by a user independently of the source and destination device profiles, as set forth in Applicants' claims.

The Examiner cited Sakuyama et al., however, as purportedly disclosing generation of a color map based on user preferences. In view of Sakuyama et al., the Examiner concluded that it would have been obvious to modify the Swen et al. system to employ user preferences "in order to provide proper color mapping, which is preferable to a human being" and "for providing user friendly system."

The Examiner further stated that Swen et al. fails to disclose generation of a color map that defines a relationship between source and destination device color spaces. However, the Examiner cited Shu et al. for such a teaching. In particular, the Examiner characterized Shu et al. as disclosing a transformation that maps from one set of colors into another set of colors. The Examiner concluded that it would have been obvious to modify the Swen et al. system according to Shu et al. "in order to provide higher quality color reproduction with easy manner" and "for obtaining the closest CMMs."

Applicants respectfully traverse these rejections. The applied references fail to disclose or suggest the inventions defined by Applicant's claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

With reference to independent claims 25, 38, 41 and 44, the applied references lack any teaching that would have suggested interpretation of a source device profile to convert source device coordinates to a device-independent color space, and interpretation of a destination device profile to convert destination device coordinates to the device-independent color space, in combination with generation of a color map based on both the converted coordinates *and* user preferences that are specified by a user independently of the source and destination device profiles.

Contrary to the Examiner's assertion, Sakuyama et al. provides no teaching that would have suggested modification of the Swen et al. system to generate a color map based on converted coordinates produced by interpretation of source and destination device profiles *and* user preferences, as defined in claims 25, 38, 41 and 44. In other words, Sakuyama et al. fails to disclose the use of *both* converted coordinates produced by interpretation of source and

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destination device profiles and user preferences to generate a color map, as claimed. Rather, Sakuyama et al. describes a technique for assigning *different* color matching processes to different drawing objects within an image based on specific colors associated with the objects.

According to Sakuyama et al., selection of a particular color matching process for a specific color may reflect a "user's preference." Sakuyama et al., Col. 3, lines 48-51. For example, a user may designate an "object to be drawn and drawing color information of the drawing object" and "designate[s] color conversion attribute information corresponding to the drawing object." Sakuyama et al., Col. 8, lines 1-8. In this manner, a "specific color process can be performed for each drawing object." Sakuyama et al., Col. 9, lines 19-26.

The user preferences referred to by Sakuyama et al. are not used in the manner claimed by Applicants. In particular, Sakuyama et al. is not concerned with the generation of a color map *based on* converted coordinates produced by interpretation of source and destination device profiles *and* user preferences that are specified by a user independently of the source and destination device profiles. Instead, Sakuyama et al. contemplates selection of different color matching processes for drawing objects associated with particular colors.

Thus, Sakuyama et al. is directed to selection of separate conversion processes for different drawing objects, and offers no teaching relevant to the use of converted coordinates produced by interpretation of source and destination device profiles in combination with user preferences to generate a color map, as set forth in Applicants' claims. Therefore, even if one of ordinary skill in the art had considered modification of the Swen et al. system in view of Sakuyama et al., the result simply would not conform to the requirements of Applicants' claims.

Shu et al. offers no additional teachings sufficient to cure the basic deficiencies in the Swen et al. and Sakuyama et al. references, as identified above. In particular, Shu et al. does not suggest generation of a color map based on converted coordinates produced by interpretation of source and destination device profiles and user preferences. Accordingly, the Swen et al., Sakuyama et al., and Shu et al. references do not support a prima facie case of unpatentability with respect to claims 25, 28-29, 31-33, 35-38, 41 and 44.

In support of the rejection of dependent claims 26-27, 30, 34, 39-40, 42-43 and 45-46, the Examiner cited Rozzi as teaching the use of illuminant functions and observer functions. Rozzi is directed to techniques for characterizing the colorimetric response of a display device,

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however, and provides no teaching that would have suggested generation of a color map based on converted coordinates produced by interpretation of source and destination device profiles and user preferences. Rozzi merely discusses illuminant and observer functions in the context of characterizing the colorimetric response of a display device. Therefore, this rejection should be withdrawn.

Double Patenting

In the Office Action, the Examiner rejected claims 25, 32-33, 38 and 41 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 13, 18, 37, 41, 45-47 of U.S. No. 6,088,038 (the '038 patent).

In support of the rejection, the Examiner stated that the '038 patent claims recite elements similar to elements in the claims of the pending application, such as "constructing color maps describing relationships between the different combinations of source and destination imaging systems using color conversions and user preferences." The Examiner acknowledged that the '038 patent recites additional elements not claimed in the present application.

However, the Examiner stated that it would have been obvious to omit such elements from the claims in the patent, and thereby arrive at the claimed invention. In particular, the Examiner asserted that omission of elements form the claims in the patent would have been obvious if the elements were undesirable. The Examiner concluded that such elements would be undesirable due to added complexity.

Applicants respectfully traverse this rejection for the following reasons.

First, claims 37, 41, and 45-47 of the '038 patent make no mention of "user preferences." Accordingly, Applicants respectfully submit that the Examiner's rejection is clearly misplaced relative to at least those claims of the '038 patent.

Second, the Examiner's unsupported assertion that elimination of the differences between the '038 patent claims and the pending claims would have been obvious is unsupported and improper, and fails to appreciate that the '038 patent claims and the pending claims are directed to different inventions.

In particular, each of claims 1, 10, 13, and 18 of the '038 patent recites storing a color map describing a relationship between color imaging systems using color conversions and user

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preferences, and retrieving a stored color map, if available, when a user requests a transformation for a selected combination of color imaging systems and user preferences.

The Examiner's suggestion that such features would not be required or desirable is unfounded. Without such features, the inventions defined by claims 1, 10, 13, and 18 would not, for example, provide for retrieval of previously generated color maps.
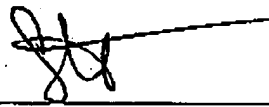
All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: By:

1/2/2003

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